



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Filner Claim Filed Too Late, Court Says

Accuser alleged sexual battery, but missed court deadline

A sexual battery claim against former San Diego Mayor Robert Filner is barred because his accuser missed a key filing date, an appellate court has ruled.

The accuser, Jeri Dines, had alleged that Filner inappropriately touched her buttocks while they posed for a photograph at a Fiesta Island Dog Owners event in May 2013.

Filner pled guilty to misdemeanor battery in the case, one of three incidents for which he was sentenced to three months of home detention and three years of probation. Because of that conviction, the City Attorney's Office did not represent Filner in the civil action that followed.

A year after the incident, Dines sought monetary damages from the City and Filner. However, the six-month period for making such a claim had already expired, so Dines was required to file an application for leave to file a late claim. In a court filing, Dines said she did not file a timely claim after attorney Gloria Allred told her she had no case. Dines subsequently contacted Dan Gilleon to represent her.

The City denied Dines' application on May 8, 2014. Her attorneys were then notified that they had six months – until November 10, 2014 – to petition for a court order providing Dines relief from the claim presentation requirements. That mandatory deadline for filing the necessary was missed and, as a consequence, her pending lawsuit alleging sexual battery, gender violence and sexual harassment cannot proceed.

In April, a Superior Court judge allowed the suit to proceed, but the appellate court reversed him.

The City was represented before the Fourth District Court of Appeal by Deputy City Attorney Kristin Zlotnik.

“Our job is to defend the City and we do that well,” City Attorney Jan Goldsmith said. **“When claimants fail to follow the legal process, they will ultimately lose.”**

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